



Established 1914

160 Tices Lane • East Brunswick • New Jersey 08816-2083 • TEL 732-254-5000 • FAX 732-613-1745
www.njmta.org

June 30, 2003

247707

Docket Clerk
Docket Management System
U.S. Department of Transportation
Room 401
400 Seventh Street, SW
Washington, DC 20590-0001

TSA-03-14610-45
FMCSA-01-1117-

DEPT. OF TRANSPORTATION
DOCKETS
03 JUL -7 PM 2:00

Re: Docket Nos. TSA-2003-14610 and FMCSA-2001-1117

Dear Docket Clerk:

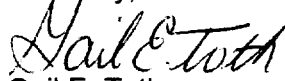
The New Jersey Motor Truck Association supports the Transportation Security Administration (TSA) and the Federal Motor Carrier Safety Administration (FMCSA) in efforts to assure that persons transporting Hazardous Materials (Hazmat) shipments via truck are properly vetted as to their security qualifications. At the same time, as we are protecting the country from the threat of terrorism, we must assure that those who make their living in this critical segment of the trucking industry are treated with fairness and respect for their rights, and that the pool of qualified drivers is not impaired because of the process.

We share the concerns of many in our industry and in state government over the lack of specific guidance that has been given to the State Departments of Motor Vehicles (DMVs), as to how the background check process and fingerprinting systems are to be implemented. Indeed, drivers themselves are very apprehensive and, to a certain extent, confused as to how they are to meet their obligations. Some of our concerns are outlined below.

- We understand that the Commercial Drivers License System must be modified to accommodate the TSA clearance results. We are skeptical as to whether the systems integration and reprogramming necessary for 51 State systems (including the District of Columbia) to function reliably can be accomplished by November.
- Many States do not have the capability in the DMVs to establish fingerprint collection and processing systems. Additionally, implementing such an unbudgeted process in the middle of most States' fiscal years will create problems in financing, in agency authority delegation, and in contracting.
- There has been little clarification as to the processes that TSA intends to follow for administering the notifications of drivers and the DMVs. These processes will require the DMVs to develop and document internal procedures, and train literally thousands of State employees prior to implementation.
- Regardless of whether a State sets up a law enforcement-based fingerprint collection system, or uses a private sector system, information must be developed, training must take place and systems must be modified in order to implement the process. Surely there will in integration issues within individual states that will prove quite challenging, which must be overcome in order to implement a secure and expeditious fingerprinting system.

While many of these issues can be resolved with sufficient time, we do not believe that the 180 day implementation of the requirement that States deny issuance of a renewal or the new issue of CDL Hazmat endorsements. The New Jersey Motor Truck Association respectfully petitions TSA and FMCSA to stay the implementation of the fingerprint-based background check until all States have tested their systems and reported to TSA and FMCSA their ability to implement this aspect of the rule.

Sincerely,

A handwritten signature in cursive script, reading "Gail E. Toth".

Gail E. Toth
Executive Director